

Entered - 5-19-00 - sb  
CL 00L0315 ALEXIS HOLMES

01-R-1852

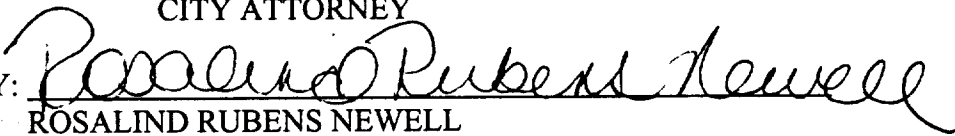
CLAIM OF: **NICHOLAS A. LOTITO**  
1055 Alta Avenue, NE  
Atlanta, Georgia 30307

For vehicular damages alleged to have been sustained as a result of driving over a pothole in the road on April 9, 2000 at Colquitt Avenue West of Euclid Avenue.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **NICHOLAS A. LOTITO** the sum of **\$846.03** in full settlement and satisfaction of all claims, past, present and future, of every kind and character **for vehicular damages alleged to have been sustained as a result of driving over a pothole in the road on April 9, 2000 at Colquitt Avenue West of Euclid Avenue** as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0315

Date: 11/2/01

Claimant /Victim NICHOLAS A. LITITO  
BY: (Atty)(Ins.) \_\_\_\_\_  
Address: 1055 Atlanta Avenue, NE Atlanta, Georgia 30307  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 846.03 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 4/20/00 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 4/9/00 Place: Colquitt Avenue West of Euclid Avenue  
Department Public Works Division: Street Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant sustained damages to his vehicle after it was driven over a large pothole in the roadway incurring damages in the above amount.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Other X Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

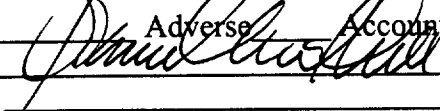
### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ 846.03 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 11-02-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

Reeves  
05/17/00

RE: CLAIM FOR DAMAGES

Today's Date: 4/13/2000

## COUNCIL OF THE CITY OF ATLANTA

## MUNICIPAL CLERK

City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

APR 20

Dear Municipal Clerk:

ENTERED - 5-19-00 - SB

00L0315 - MIKE REEVES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 846.03 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 4/9/2000 (month/day/year) 2. Time of Incident: 2:40 PM 3. Police called: Yes ☒ No ☐
4. Location of incident (including street address): Colquitt Ave / just West of Euclid
5. Name of your insurance company: State Farm Policy No. 161 7945 A1811B
6. State what and how incident occurred: I had turned onto Colquitt off Euclid and drove into a 2 foot wide 1 ft deep pothole, damaging both rims and flattening both tires on the left side of my car. A neighbor said another car had done the same thing the day before. I replaced the rims with used parts.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: BMW (Make) 1994 (Year) MTZ 249 (Tag Number) NICHOLAS A. LOKTO (Driver's Name)  
City vehicle: \_\_\_\_\_ (Make) \_\_\_\_\_ (City Driver's Name) \_\_\_\_\_ (Department/Bureau)
9. Witness: various residents on Colquitt witnessed this. I was also told this was not repaired for about 4 yrs. It was just repaired this past week. (Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

MS A.  
Signature of ClaimantNICHOLAS A. LOKTO  
(Print Claimant's Name)1055 Alta Ave. NE.  
(Address)ATL GA 30307  
(City, State and Zip Code)4/6882000  
(Work Number)4/6594032  
(Home Number)